

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 16-1081 2. DATE DOCKETED: March 3, 2016
3. CASE NAME (lead parties only) City of Boston Delegation v. Federal Energy Regulatory Commission
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☐ No
If YES, cite statute _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: Federal Energy Regulatory Commission
 - b. Give agency docket or order number(s): Docket No. CP 14-96-000
 - c. Give date(s) of order(s): March 3, 2015
 - d. Has a request for rehearing or reconsideration been filed at the agency? ☒ Yes ☐ No
If so, when was it filed? April 2, 2015 By whom? City of Boston Delegation
Has the agency acted? ☒ Yes ☐ No If so, when? 1/28/2016
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
See Attached.
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☒ Yes ☐ No If YES, identify case name(s), docket number(s), and court(s)
See Attached.
 - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☐ Yes ☒ No If YES, give case name(s) and number(s) of these cases and identify court/agency:

 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates.

Signature /s/ Thomas S. Fitzpatrick Date April 4, 2016

Name of Counsel for Appellant/Petitioner Thomas S. Fitzpatrick

Address Davis Malm & D'Agostine, P.C., One Boston Place, Boston MA 02108

E-Mail tfitzpatrick@davismalm.com

Phone (617) 367-2500

Fax ()

ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

ORAL ARGUMENT NOT YET SCHEDULED**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CITY OF BOSTON
DELEGATION,

Petitioner,

v.

FEDERAL ENERGY
REGULATORY COMMISSION

Respondent.

No. 16-1081

**ATTACHMENT TO PETITIONER'S
AGENCY DOCKETING STATEMENT**

6. e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2): The City of Boston Delegation ("Boston") has standing pursuant to 15 U.S.C. § 717r(b), as they were parties to the Commission's proceedings below, conducted under section 7(c) of the Natural Gas Act, 15 U.S.C. § 717f(c). Boston was aggrieved by the Commission's Order of March 3, 2015 granting Algonquin Gas Transmission, LLC, a certificate of public convenience and necessity to construct and operate a natural gas pipeline and a meter station in locations that pose increased, serious and ongoing safety risks to the West Roxbury community of Boston. Among the safety risks is the Commission's decision to

locate a portion of the high pressure natural gas pipeline and meter station next to a quarry, which uses explosives to crack bedrock. The Commission's rejection of safer alternative routes for the pipeline, and alternative locations for the meter station, were based on insubstantial evidence and were arbitrary and capricious.

6. f. Any other cases involving the same underlying agency order pending in this Court or any other?

On March 31, 2016, this Court entered an Order consolidating into this matter the following cases that were also pending in this Court:

- *Town of Dedham, Massachusetts v. Federal Energy Regulatory Commission*, 16-1098.
- *Riverkeeper, Inc., et al v. Federal Energy Regulatory Commission*, 16-1103.

Respectfully submitted,

/s/ Joshua S. Grossman

Thomas S. Fitzpatrick

Joshua S. Grossman

Davis, Malm & D'Agostine, P.C.

One Boston Place

Boston, MA 02108

(617) 367-2500

tfitzpatrick@davismalm.com

jgrossman@davismalm.com

Attorneys for Petitioner

Dated: April 4, 2016

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2016, I electronically filed the foregoing Agency Docketing Statement with the Clerk of the Court for the U.S. Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system, and served copies of the foregoing via Court's CM/ECF system on all ECF-registered counsel.

/s/ Joshua S. Grossman

Thomas S. Fitzpatrick

Joshua S. Grossman

Davis, Malm & D'Agostine, P.C.

One Boston Place

Boston, MA 02108

(617) 367-2500

tfitzpatrick@davismalm.com

jgrossman@davismalm.com

Attorneys for Petitioner